IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC.; REACH ONE, TEACH ONE OF AMERICA, INC.,	)	
PLAINTIFFS,	)	
v.	)	**CIVIL ACTION NO.: 3:06-cv-224-WKW**
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)	
DEFENDANT.	)	

DEFENDANT SHERIFF WARREN'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Sheriff David Warren, Defendant in the above-styled cause, ("Defendant"), by and through his counsel of record, and moves this Honorable Court, pursuant to Rule 56 of the *Federal Rules of Civil Procedure*, to enter summary judgment in his favor as to all of Plaintiffs' claims. As grounds therefore, Defendant asserts that there are no genuine issues of material fact and that the Defendant is entitled to judgment as a matter of law with respect to all of Plaintiffs' claims. This motion is supported by the following:

1. Deposition excerpts of Frank Thomas attached as Exhibit 1.
2. Deposition excerpts of Walter Walker attached as Exhibit 2.
3. Amendment No. 744 to the Constitution of Alabama, 1901 attached as Exhibit 3.
4. Affidavit of Sheriff Warren attached as Exhibit 4, including the Exhibits attached thereto as follows:

   A. Macon County Greyhound Park, Inc. Operator's Certificate;

B. Class B Bingo License No. 46-001-2003 issued to Tuskegee-Macon County YMCA;

C. Class B Bingo Licenses Chart from December 2005 through August 2006;

D. Macon County Greyhound Park, Inc. Operator's Certificate; and

E. Alabama Attorney General News Release dated December 1, 2004, *A.G. King Announces Findings of His Gambling Review*.

5. 2003 Rules attached as Exhibit 5.

6. 2004 Rules attached as Exhibit 6.

7. Tuskegee News Article dated June 10, 2004 publishing the 2004 Rules attached as Exhibit 7.

8. 2005 Rules attached as Exhibit 8.

9. Tuskegee News Article dated December 30, 2004 publishing the 2005 Rules attached as Exhibit 9.

10. Contract between James Lane and Frank Thomas dated December 16, 2004 attached as Exhibit 10.

11. September 25, 2001 real estate closing documents attached as Exhibit 11.

12. July 20, 2004 real estate closing documents attached as Exhibit 12.

13. Contract between Macon County Investments, Inc. and Frank Thomas dated June 2, 2005 attached as Exhibit 13.

14. Preliminary Term Sheet prepared by Gaming Capital Group dated September 22, 2005 attached as Exhibit 14.

15. Deposition excerpts of Sheriff Warren attached as Exhibit 15.

16. Affidavit of Robert Ramsey, COO of Sterling Bank attached as Exhibit 16.
17. Curriculum vitae and proposal submitted by Joe Turnham to Frank Thomas attached as Exhibit 17.
18. Selected bank statements produced by Reach One, Teach One of America, Inc. attached as Exhibit 18.
19. Plaintiffs' Responses to Sheriff Warren's Request for Admissions attached as Exhibit 19.
20. All pleadings of record filed in this cause.
21. Defendant's Brief in Support of Motion for Summary Judgment filed contemporaneously herewith.

Respectfully submitted,

s/Fred D. Gray, Jr.
One of the Attorneys for Defendant,
David Warren, Sheriff of Macon County,
Alabama

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kenneth L. Thomas, Esq.
Ramadanah M. Salaam, Esq.
Christopher K. Whitehead, Esq.
Gary A. Grasso, Esq.
Adam R. Bowers, Esq.

And I certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/Fred D. Gray, Jr.
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